



Public Notice

**U.S. Army Corps
Of Engineers
Galveston District**

Permit Application No: 22956
Date Issued: 10 March 2003
Comments Due: 9 April 2003

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 404 of the Clean Water Act.

APPLICANT: Texas Department of Transportation
P.O. Box 1386
Houston, Texas 77251-1386
Telephone: 713-802-5262
POC: Melba Alfred

LOCATION: The project is located along Highway 59 from Birchridge Road, north of 1960, to 0.3 mile north of the Harris-Montgomery County line. The project can be located on the U.S.G.S. quadrangle maps entitled: Maedan, Texas. Approximate UTM Coordinates: Zone 15; Easting: 282746; Northing: 3325772 to Easting: 281375; Northing: 3321501.

PROJECT DESCRIPTION: The applicant is requesting an After-the-Fact Permit to retain fill into 16.14 acres of wetlands and to authorize an additional discharge of 0.89 acre of fill material for bank stabilization. The project involves the widening of Highway 59 (US 59) from 4-6 lanes to 6-10 lanes from Birchridge Road to 0.3 mile north of the Harris-Montgomery County line and the construction of a new Metro Park-and-Ride facility at Townsen Road.

Additionally, the applicant is requesting to fill 0.89 acre of waters of the U.S. including wetlands for erosion control, bank stabilization, and parking access to the old San Jacinto River Bridge. The additional project will include relocating the south U-turn farther away from the bank of the river, constructing a retaining wall to protect south U-turn lanes, routing storm water from discharging into the oxbow to discharging into the

river, and constructing parking lots for public access to the old bridge. The total impacts to jurisdictional water and wetlands are 17.03 acres. Twelve wetland and water areas were filled along the construction right-of-way. Wetland #12 and #13 located at Townsen Road were dominated by flatsedge sp. (*Cyperus entrerianus*), Bermuda grass (*Cynodon dactylon*), green ash (*Fraxinus pennsylvanica*), western rag weed (*Ambrosia psilostachya*), annual sumpweed (*Iva annua*), common golden rod (*Solidago canadensis*), soft-stem rush (*Juncus effusus*), and retrorse flatsedge (*Cyperus retrorsus*). Wetland #6 located on the south side of the San Jacinto River was dominated by alligator weed (*Alternanthera philoxeroides*) and lizard-tail (*Saururus cernuus*). Wetland #3 was dominated by retrorse flatsedge, sand spikerush (*Eleocharis montevidensis*), and alternate leaf flatsedge (*Cyperus alternifolius*). Wetland #5 was dominated by Dombey's spikerush (*Eleocharis montana*), narrowleaf seedbox (*Ludwigia linearis*), and alligator weed. Wetland #10 was dominated by bald cypress (*Taxodium distichum*), Bermuda grass, least duckweed (*Lemna minima*), and sweetgum (*Liquidambar styraciflua*).

The applicant proposes to compensate for the 17.03 acres of impacts by purchasing 101.67 acre-credits at the Coastal Bottomlands Mitigation Bank. The six wetlands that were previously filled were of high quality and will be mitigated at a 6:1 ratio for 96.834 acre-credits. Three of the wetlands that will be impacted by the proposed construction are of high quality and will be mitigated at 6:1 also. Waters A2 and G are of medium quality and will be mitigated at a 3:1 ratio.

The applicant's plans are enclosed in 6 sheets.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: The project site is not located within the Texas Coastal Zone and therefore, does not require certification from the Texas Coastal Management Program.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with U.S. Army Corps of Engineers (Corps) processing of this application, the TCEQ is reviewing this application under Section 401 of the CWA and in accordance with Title 30, Texas Administrative Code Section 279.1-13 to determine if the

work would comply with State water quality standards. By virtue of an agreement between the Corps and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of work is made available for review in the TCEQ's Austin office. The complete application may be reviewed in the Corps office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requester, or of persons represented by the requester; and a brief description of how the application, if granted, would adversely affect such interest.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The proposed work and/or structures are of such limited nature and scope that little likelihood exists for the proposed project to impinge upon a historic property, even if present within the affected area.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties,

water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **9 April 2003**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Ryan Fordyce
Regulatory Branch, CESWG-PE-RE
U.S. Army Corps of Engineers
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409-766-3114 Phone
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DISTRICT ENGINEER
GALVESTON DISTRICT
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